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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 073,796	02-11-2002	Donald L. Schilling	I-2-74.5US	9004

24374 7590 06-18-2003

VOLPE AND KOENIG, P.C.  
DEPT. ICC  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/073,796

Applicant(s)

SCHILLING, DONALD L.

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

or ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

## Attachment(s)

- 1) ☐ Notice of Refusal as to Claim(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (P. 44)
- 3) ☐ Information Disclosure Statements (P. 144) (Page No. \_\_\_\_\_)
- 4) ☐ Interview Summary (P. 44) (Page No. \_\_\_\_\_)
- 5) ☐ Notice of Informal Patent Examination (P. 44) (Page No. \_\_\_\_\_)
- 6) ☐ Other \_\_\_\_\_

### DETAILED ACTION

Acknowledgment is made of the amendment filed on 6/6/03. Claims 1-20 are currently pending.

#### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/6/03 has been entered.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 10-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop et al. (US 4,965,821) (hereinafter referred to as 'Bishop') in view of Stuckert (US

Bishop teaches an automobile 12 equipped with a charge card cellular mobile

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radiotelephone (CMR) 16. A radio frequency transmission between an antenna 18 installed on an automobile 12 and a cellular base station antenna 20 electromagnetically couples a CMR 16 to cellular base station 22. A card reader 234 reads data, including personal identification information, stored on a charge card 236 to pay for rental charges of the automobile 12 (col. 4, lines 46-50 and col. 6, lines 26-32).

Bishop lacks the teaching of the newly added limitation citing debiting without further interaction from the user after initiating the wireless telephone call.

Stuckert teaches a portable terminal device for selectively debiting a terminal user (col. 4, lines 6-23).

One of ordinary skill in the art would have readily recognized that reducing the steps needed to complete a transaction would have been advantageous for saving time and energy required to carry out the desired task. Therefore, it would have been obvious, at the time the invention was made, to modify the teaching of Bishop with aforementioned teachings of Stuckert.

4. Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop/Stuckert in view of Takizawa (US 5,046,125). The teachings of Bishop/Stuckert have been discussed above.

Bishop/Stuckert lack the teaching of the personal access number of the radio unit transaction.

Takizawa teaches a method wherein a first lock code is immediately replaced with a

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second lock code to inhibit an unauthorized person from unlocking the equipment (col. 4, lines 24-32).

One of ordinary skill in the art would have readily recognized that changing the personal access number would have been beneficial for added security which would have kept the radio unit from being fraudulently used. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Bishop/Stuckert with the aforementioned teachings of Takizawa.

#### ***Response to Arguments***

5. Applicant's arguments filed 6/6/03 have been fully considered but they are not persuasive.

The examiner submits that The Stuckert reference is relied upon to teach the notion that a user may engage in a local transaction using a wireless device with limited interaction between the user and the device.

Furthermore, the Board holds that it would have been obvious to omit a step if that step is not desired or required. See *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby


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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is 703-305-0128. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Jamara A. Franklin  
Examiner  
Art Unit 2876

JAF  
June 16, 2003

  
**THIEN M. LE  
PRIMARY EXAMINER**